

04-07-03

office petition

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

For: REGISTERED MICROPERFORATED FILMS FOR MODIFIED/CONTROLLED
ATMOSPHERE PACKAGINGTo: Mail Stop 313(c)
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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CERTIFICATE OF MAILING 37 CFR 1.10: I certify that this correspondence is being deposited on the below date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL POST OFFICE TO ADDRESSEE addressed to: Mail Stop 313(c), Commissioner for Patents, PO Box 1450, Alexandria, VA22313-1450.

Date: 04/06/2005

[X] Debra A. Stengel or [] Scott I. Asmus, Reg. No. 42,269

Dear Honorable Commissioner:

PETITION UNDER RULE 37 CFR §1.313

The Applicant respectfully requests that the above-identified patent application be withdrawn from issuance for the reasons set forth herein. Applicant also respectfully requests the Office to accept the Request for Continued Examination (RCE) filed concurrently with this Petition.

Enclosed herein are the following:

- 1) 3 pages Petition to Withdraw from Issuance and statements with reasons why withdrawal of the application from issuance is necessary;
- 2) 3 pages Request for Continued Examination (RCE) PTO/SB/30 and RCE Transmittal;
- 3) 1 page Credit Card Payment Form PTO-2038, covering Petition fee & RCE fee;
- 4) 2 pages Information Disclosure Statement;
- 5) 2 pages Forms SB/08A, SB08B; and
- 6) Eight (8) references.

S/N 09/877,757, Atty. Dkt No. MARS93-DIV 1

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REMARKS


The Applicant has filed a petition herein to withdraw the allowed patent application in order to have the Office consider fourteen (14) references and a Statement submitted herewith.

No new matter is added. Applicant requests speedy consideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

This RCE is being submitted in good faith and is a bona fide attempt to advance the application pursuant to 37 CFR 1.111.

DEPOSIT ACCOUNT 500323 AUTHORIZATION - All necessary fees relating to the attached submittal, if any, are intended to be included. However, the Office is hereby authorized to charge any deficiency or credit any overpayment in the fees relating to the submittal to deposit account 500323, registered to Vernon C. Maine P.L.L.C., dba Maine & Asmus, contact telephone no. 603-886-6100.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389
Scott J. Asmus, Reg. No. 42,269
Andrew P. Cernota, Reg. No. 52,711
Attorneys/Agents for Applicant

Cus. No. 24222
Maine & Asmus
PO Box 3445
Nashua, NH 03061-3445
Tel. No. (603) 886-6100, Fax. No. (603) 886-4796
Info@maineandasmus.com